

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ZUFFA, LLC, a Nevada Limited Liability Company,

CASE NO: 2:10-cv-01756-KJD-LRL

Plaintiff,

v.

DANIEL WALLACE, an individual

Defendant.

**TEMPORARY
RESTRAINING ORDER AND ORDER
SETTING HEARING ON
PRELIMINARY INJUNCTION**

UPON CONSIDERATION of the emergency motion filed by plaintiff for an *ex parte* temporary restraining order and injunction, the supporting memorandum of points and authorities, the supporting declaration and evidence, the record in this case, and for other good cause shown;

THE COURT HEREBY FINDS THAT:

1. Plaintiff is likely to succeed on the merits of its claims for copyright infringement, contributory copyright infringement and vicarious copyright infringement given that plaintiff owns the copyrighted works defined in plaintiff's Complaint as plaintiff's "Copyrighted Broadcasts," and that Defendant's website streams Plaintiff's Copyrighted Broadcasts without license, consent or authority from Plaintiff;

2. Plaintiff is also likely to succeed on the merits of its state law claim for intentional interference with prospective economic advantage;

1 3. Plaintiff will suffer irreparable injury if the Court does not order defendant to cease
2 any further infringing activity involving the Copyrighted Broadcasts, including UFC 120, which
3 the Court may also presume exists given that Plaintiff is likely to succeed on the merits of its
4 copyright infringement claims; and

5 6. The balance of hardships tips in favor of Plaintiff because issuance of the
6 temporary restraining order would merely prohibit Defendant from posting unauthorized content
7 relating to Plaintiff's Copyrighted Broadcasts at the website associated with the <livevss.tv>
8 domain name and linked to the <livevss.net> domain name, whereas failure to issue the temporary
9 restraining order would cause Plaintiff to suffer infringement of exclusive copyrights and
10 irreparable injury to its goodwill and reputation.

11 THEREFORE, IT IS HEREBY ORDERED THAT, pending a full trial on the merits:

12 A. Defendant, defendant's agents, servants, employees and/or all persons acting in
13 concert or participation with defendant are prohibited from copying, manipulating, adapting,
14 reproducing, uploading, distributing, sharing, selling or displaying any of Plaintiff's Copyrighted
15 Broadcasts and are prohibited from copying, manipulating, adapting, reproducing, uploading,
16 distributing, sharing, selling or displaying UFC 120 in any manner;

17 B. The domain name registrar, eNom, Inc., is ordered to take possession of
18 <livevss.tv> and <livevss.net> domain name registrations and ensure that they are not accessible
19 to Internet users until the Court rules on Plaintiff's motion for preliminary injunction;

20 C. A nominal bond of \$100 shall be required because the evidence indicates that
21 Defendant will only suffer, if at all, minimal damage by the issuance of this temporary restraining
22 order and injunction.

23 **ORDER SETTING HEARING FOR PRELIMINARY INJUNCTION**

24 UPON CONSIDERATION of the motion filed by plaintiff for a preliminary injunction
25 enjoining Defendant, Defendant's agents, servants, employees and/or all persons acting in concert
26 or participation with defendant from copying, manipulating, reproducing, distributing, selling or
27 displaying any of Plaintiff's Copyrighted Broadcasts for the pendency of the litigation, the

1 supporting points and memorandum of authorities, the supporting declaration and evidence, the
2 record in this case, and for good cause shown;

3 In addition, to ensure defendant receives timely notice of the hearing, given that defendant
4 must maintain accurate contact information with the domain name registrar, Plaintiff may, in
5 addition to the requirements of service identified in Fed. R. Civ. P. 4 and 5, serve the motion, this
6 order, and all other pleadings filed to date on defendant by e-mail transmission.

7 THE COURT HEREBY sets the hearing for plaintiff's motion for a preliminary injunction
8 on November 2, 2010, at 9 a.m. to be held in Courtroom 6D at the Lloyd D. George
9 Federal Courthouse, 333 South Las Vegas Boulevard, Las Vegas, Nevada.

10 Further, the Court sets forth the following briefing schedule relating to Plaintiff's motion:

11 1. Defendant shall file and serve its opposition papers, if any, no later than

12 October 19 2010; and

13 2. Plaintiff shall file and serve its reply brief no later than October 25, 2010.

14 ENTERED this 12th day of October, 2010.
15 
16 UNITED STATES DISTRICT JUDGE

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